

**THIRTY-SECOND LEGISLATIVE DAY
THURSDAY, FEBRUARY 6, 2003**

House of Representatives

The House convened at 11 a.m., Mr. Denney in the Chair.

Roll call showed 68 members present.

Absent and excused -- Bradford, Mr. Speaker. Total -- 2.

Total -- 70.

Prayer was offered by Pastor Bruce Swanson.

The Pledge of Allegiance was led by Nathanael Davis, Page.

Approval of Journal

February 6, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Thirty-first Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the
Governor and the Senate**

February 5, 2003

Mr. Speaker:

I transmit herewith enrolled **SCR 101** for the signature of the Speaker.

WOOD, Secretary

The Acting Speaker announced that enrolled **SCR 101** would be signed by the Speaker, and when so signed, ordered it returned to the Senate.

February 5, 2003

Mr. Speaker:

I return herewith enrolled **H 75**, **H 79**, and **H 80** which have been signed by the President.

WOOD, Secretary

Enrolled **H 75**, **H 79**, and **H 80** were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

February 5, 2003

Mr. Speaker:

I transmit herewith **SJM 101** and **S 1026** which have passed the Senate.

WOOD, Secretary

SJM 101 and **S 1026** were filed for first reading.

February 5, 2003

Mr. Speaker:

I return herewith **H 31** and **H 6** which have passed the Senate.

WOOD, Secretary

H 31 and **H 6** were referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

February 6, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **HCR 13**, **H 148**, **H 149**, **H 150**, **H 151**, **H 152**, **H 153**, **H 154**, **H 155**, **H 156**, **H 157**, **H 158**, **H 159**, **H 160**, and **H 161**.

FIELD(18), Chairman

HCR 13 and **H 161** were referred to the Health and Welfare Committee.

H 148 was referred to the Revenue and Taxation Committee.

H 149 and **H 150** were referred to the Environmental Affairs Committee.

H 151 was referred to the Local Government Committee.

H 152 and **H 153** were referred to the Transportation and Defense Committee.

H 154, **H 155**, **H 156**, **H 157**, **H 158**, and **H 159** were referred to the Agricultural Affairs Committee.

H 160 was referred to the Judiciary, Rules, and Administration Committee.

February 6, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **H 53** and **H 54**.

FIELD(18), Chairman

The Acting Speaker announced that enrolled **H 53** and **H 54**, would be signed by the Speaker, and when so signed, ordered them transmitted to the Senate for the signature of the President.

February 5, 2003

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, report that we have had under consideration **H 9** and report it back with amendments attached to be placed on General Orders for consideration.

BLACK, Chairman

H 9 was placed on General Orders for consideration.

February 5, 2003

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, report that we have had under consideration **H 10, H 11, H 28, H 29, and H 133** and recommend that they do pass.

BLACK, Chairman

H 10, H 11, H 28, H 29, and H 133 were filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

HOUSE CONCURRENT RESOLUTION NO. 14 BY COMMERCE AND HUMAN RESOURCES COMMITTEE

A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS TO SUPPORT AND PROMOTE WORKING PEOPLE OF IDAHO IN THEIR CONTINUING EFFORT TO SUPPORT THEIR COMMUNITIES AND THIS GREAT STATE.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the widely recognized public promotion of "Buy Idaho" products supports Idaho businesses; and

WHEREAS, a highly qualified, skilled and diverse workforce exists in Idaho communities today; and

WHEREAS, Idaho workers support our tax base, schools and communities; and

WHEREAS, putting Idaho people back to work at livable wages in their own communities will decrease the burden on Idaho's unemployment insurance and social service programs.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that we support and promote working people in living wage jobs in their continuing effort to support their communities, to "Buy Idaho," and to "Build Idaho."

HOUSE JOINT MEMORIAL NO. 2 BY RESOURCES AND CONSERVATION COMMITTEE A JOINT MEMORIAL

TO THE PRESIDENT OF THE UNITED STATES, TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Fifty-seventh Idaho Legislature, do hereby respectfully represent that:

WHEREAS, for the past decade the Pacific Northwest Power Planning Council, the Bonneville Power Administration and other

hydroelectric utilities have put into place numerous measures intended to protect and enhance the survival of anadromous salmon and steelhead, particularly several species native to the state of Idaho; and

WHEREAS, the National Marine Fisheries Service, the Bureau of Reclamation, the Bonneville Power Administration and the U.S. Army Corps of Engineers have put into place measures for fish recovery that have been guided by both the federal Endangered Species Act and the Northwest Power Act; and

WHEREAS, considerable cost for fish recovery has been borne by the electrical ratepayers of the Northwest both in the form of higher costs and less power generated because of less storage capacity and water being put into the river for fish restoration purposes; and

WHEREAS, the programs and activities associated with the Endangered Species Act are causing unintended economic hardship in communities in the Pacific Northwest; and

WHEREAS, fish advocates who expressed doom for Northwest anadromous fish were surprised to see that the return migration of fish to the Northwest and Idaho was not as they had predicted, which would seem to indicate that the plans in place for fish restoration may not be as scientifically sound as once thought; and

WHEREAS, the Northwest Power Act instructs the Bonneville Administrator and other federal operating agencies to adequately protect, mitigate and enhance fish and wildlife and give them equitable treatment with other purposes of the hydro system; and

WHEREAS, the federal government should establish a mitigation fund; and

WHEREAS, amending the Northwest Power Act can provide necessary mitigation resources to Northwest communities that are impacted by fish recovery efforts; and

WHEREAS, the federal government and the nation's taxpayers and not the Bonneville Power Administration and Northwest ratepayers should establish a mitigation fund to assist with fish recovery because a vital Northwest fishery benefits the entire nation and is a public benefit; and

WHEREAS, the Pacific Northwest region is in an economic downturn and having cheaper power rates would allow economic recovery to occur more quickly; and

WHEREAS, Congress can enact legislation providing mitigation funding to communities that are economically impacted by Endangered Species Act efforts for fish restoration.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that we request Congress to amend the Northwest Power Act and other appropriate federal statutes so that Northwest communities can be eligible for economic grants to assist communities impacted by Endangered Species Act fish recovery programs.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the

United States.

**HOUSE JOINT MEMORIAL NO. 3
BY BUSINESS COMMITTEE**

A JOINT MEMORIAL

TO THE INTERNATIONAL OLYMPIC ORGANIZING COMMITTEE, THE UNITED STATES OLYMPIC COMMITTEE, THE VANCOUVER 2010 BID CORPORATION, THE PRIME MINISTER OF CANADA AND THE PREMIER OF BRITISH COLUMBIA.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Fifty-seventh Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the state of Idaho has a close cultural, economic and intergovernmental relationship with the Canadian province of British Columbia; and

WHEREAS, this close relationship has developed as the result of a common border, similar economies, and complementary recreation and tourism industries; and

WHEREAS, British Columbia and the state of Idaho are both members of the Pacific Northwest economic region representing the tenth largest economy in the world; and

WHEREAS, the 2002 Winter Olympic Games in Salt Lake City, Utah, generated over one billion dollars in revenue and spending in the entire western region; and

WHEREAS, the state of Idaho's participation with other states in the 2002 Winter Olympic Games was extremely successful; and

WHEREAS, the region has legacy facilities from world class winter recreation which include the Sun Valley Resort and Whistler/Blackcomb, which are considered to be among the top ten ski resorts in North America; and

WHEREAS, the Pacific Northwest economic region as a whole, and particularly tourism and emerging industries and small businesses, will benefit from an estimated six billion dollars' worth of worldwide media attention; and

WHEREAS, such benefits accrue for over ten years on a continuing basis from increased tourism.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that the state of Idaho respectfully communicates its support for backing the Vancouver 2010 Olympic bid.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the International Olympic Organizing Committee, the United States Olympic Committee, the Vancouver 2010 Bid Corporation, the Prime Minister of Canada and the Premier of British Columbia.

HCR 14, HJM 2, and HJM 3 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

SJM 101, by Education Committee, was introduced, read the

first time by title, and referred to the Education Committee.

**Introduction, First Reading, and Reference
of Bills and Joint Resolutions**

**HOUSE BILL NO. 162
BY STATE AFFAIRS COMMITTEE
AN ACT**

RELATING TO ELECTIONS; AMENDING SECTION 34-201, IDAHO CODE, TO PROVIDE FURTHER DUTIES OF THE SECRETARY OF STATE REGARDING ELECTIONS; AMENDING CHAPTER 2, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-216, IDAHO CODE, TO PROVIDE FOR GRIEVANCE PROCEDURES; AMENDING SECTION 34-303, IDAHO CODE, TO DELETE LANGUAGE STATING THAT NO ELECTION BOARD FOR A PRECINCT SHALL EXCEED TEN MEMBERS; AMENDING SECTION 34-410, IDAHO CODE, TO PROVIDE ADDITIONAL REQUIREMENTS FOR MAIL REGISTRATION; AMENDING SECTION 34-411, IDAHO CODE, TO REVISE THE CONTENTS OF AN APPLICATION FOR REGISTRATION; AMENDING SECTION 34-416, IDAHO CODE, TO DELETE LANGUAGE REQUIRING THE OFFICIAL WHO PERSONALLY REGISTERS THE ELECTOR TO SIGN HIS NAME AND TITLE IN ATTESTATION ON THE COMPLETED CARD; AMENDING SECTION 34-437, IDAHO CODE, TO REVISE REQUIREMENTS AND RESTRICTIONS FOR FURNISHING LISTS OF REGISTERED ELECTORS; AMENDING SECTION 34-437A, IDAHO CODE, TO REQUIRE THE SECRETARY OF STATE IN CONJUNCTION WITH COUNTY CLERKS TO DEVELOP AND IMPLEMENT A SINGLE, UNIFORM OFFICIAL LIST OF REGISTERED ELECTORS AND TO PROVIDE REQUIREMENTS; REPEALING SECTION 34-438, IDAHO CODE; AMENDING SECTION 34-704, IDAHO CODE, TO REVISE DECLARATION OF CANDIDACY REQUIREMENTS; AMENDING SECTION 34-1002, IDAHO CODE, TO REVISE APPLICATION FOR ABSENTEE BALLOT REQUIREMENTS; AMENDING SECTION 34-1203, IDAHO CODE, TO PROVIDE THAT THE SECRETARY OF STATE SHALL ISSUE DIRECTIVES OR PROMULGATE ADMINISTRATIVE RULES ADOPTING STANDARDS THAT DEFINE WHAT CONSTITUTES A VOTE AND WHAT WILL BE COUNTED AS A VOTE FOR EACH CATEGORY OF VOTING SYSTEM USED IN THIS STATE; AMENDING SECTION 34-1402, IDAHO CODE, TO REVISE REQUIREMENTS FOR REGISTRATION; AMENDING SECTION 34-2401, IDAHO CODE, TO REVISE THE DEFINITION OF "BALLOT"; AMENDING SECTION 67-916, IDAHO CODE, TO REVISE THE PROCEDURES, PURPOSES AND SPENDING AUTHORITY OF THE DEMOCRACY FUND; AND DECLARING AN EMERGENCY.

**HOUSE BILL NO. 163
BY STATE AFFAIRS COMMITTEE
AN ACT**

RELATING TO POLITICAL PARTIES AND ELECTIONS; AMENDING SECTION 34-502, IDAHO CODE, TO PROVIDE FOR THE MEETING OF COUNTY PRECINCT

COMMITTEEMEN AT THE TIME AND DATE DESIGNATED BY THE INCUMBENT COUNTY CHAIRMAN OR SUCH PERSON AS DESIGNATED BY PARTY RULE AND TO DELETE LANGUAGE REQUIRING THE COUNTY CLERK TO DELIVER IN WRITING TO EACH PRECINCT COMMITTEEMAN A CERTAIN NOTICE; AMENDING SECTION 34-503, IDAHO CODE, TO PROVIDE FOR THE MEETING TIME AND PLACE OF THE LEGISLATIVE DISTRICT CENTRAL COMMITTEE TO BE DESIGNATED BY THE INCUMBENT LEGISLATIVE DISTRICT CHAIRMAN OR OTHER SUCH PERSON AS DESIGNATED BY PARTY RULE; AND AMENDING SECTION 34-904, IDAHO CODE, TO PROVIDE THAT IT IS NOT NECESSARY TO PRINT A PRIMARY ELECTION BALLOT FOR A POLITICAL PARTY WHICH DOES NOT HAVE MORE THAN ONE CANDIDATE FILED FOR NOMINATION BY THAT PARTY FOR ANY OF THE OFFICES ON THE BALLOT.

HOUSE BILL NO. 164
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO MAGISTRATES; AMENDING SECTION 1-2220, IDAHO CODE, TO PROVIDE THAT A MAGISTRATE MAY, NOT LESS THAN NINETY DAYS PRIOR TO THE HOLDING OF THE GENERAL ELECTION NEXT PRECEDING THE EXPIRATION OF HIS TERM OF OFFICE, FILE IN THE OFFICE OF THE COUNTY CLERK A DECLARATION OF CANDIDACY TO SUCCEED HIMSELF.

HOUSE BILL NO. 165
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO THE IDAHO CODE COMMISSION; AMENDING SECTION 73-204, IDAHO CODE, TO PROVIDE THAT MEMBERS OF THE CODE COMMISSION'S COMPENSATION SHALL NOT BE CONSIDERED SALARY FOR PUBLIC EMPLOYEE RETIREMENT SYSTEM PURPOSES; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

HOUSE BILL NO. 166
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO PETITION FOR RECALL OF AN OFFICER; AMENDING SECTION 34-1702, IDAHO CODE, TO PROVIDE IF NO DISTRICT ELECTION HAS BEEN HELD IN THE LAST SIX YEARS, THE PETITION FOR RECALL OF AN OFFICER MUST BE SIGNED BY TWENTY PERCENT OF THE NUMBER OF ELECTORS REGISTERED TO VOTE IN THE DISTRICT AT THE TIME THE PETITION IS FILED AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 34-1712, IDAHO CODE, TO PROVIDE IF THE OFFICER WAS APPOINTED OR WAS NOT REQUIRED TO STAND FOR ELECTION, THEN A MAJORITY OF THE VOTES CAST IN THE RECALL ELECTION SHALL BE THE NUMBER NECESSARY FOR RECALL.

HOUSE BILL NO. 167
BY HEALTH AND WELFARE COMMITTEE
AN ACT

RELATING TO THE CHILD PROTECTIVE ACT; AMENDING SECTION 16-1601, IDAHO CODE, TO PROVIDE FOR CASES INVOLVING DISABILITY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 16-1602, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 16-1603, IDAHO CODE, TO REVISE JURISDICTIONAL CRITERIA; AMENDING SECTION 16-1608, IDAHO CODE, TO PROVIDE FOR THE INTRODUCTION OF CERTAIN EVIDENCE BY PARENTS OR GUARDIANS WITH DISABILITIES, TO REVISE REQUIREMENTS RELATING TO WRITTEN FINDINGS OF THE COURT AND TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTION 16-1609, IDAHO CODE, TO REVISE CERTAIN REPORTING REQUIREMENTS OF THE DEPARTMENT OF HEALTH AND WELFARE AND ITS AUTHORIZED REPRESENTATIVES; AMENDING SECTION 16-1609A, IDAHO CODE, TO PROVIDE THAT PERSONS KNOWLEDGEABLE ABOUT ADAPTIVE EQUIPMENT AND SUPPORTIVE SERVICES FOR PARENTS OR GUARDIANS WITH DISABILITIES MAY PARTICIPATE IN CERTAIN INVESTIGATIONS AND TO REVISE WRITTEN PROTOCOL CRITERIA FOR CERTAIN INVESTIGATIONS AND INTERVIEWS; AMENDING SECTION 16-1610, IDAHO CODE, TO REVISE REQUIREMENTS RELATING TO CASE PLANS AND TO PROVIDE A CORRECT CODE REFERENCE; AND AMENDING SECTION 16-1615, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE.

HOUSE BILL NO. 168
BY COMMERCE AND HUMAN RESOURCES COMMITTEE
AN ACT

RELATING TO PROFESSIONAL EMPLOYERS; AMENDING SECTION 44-2403, IDAHO CODE, TO FURTHER DEFINE THE TERM "PERSON" AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 44-2405, IDAHO CODE, TO PROVIDE THAT BENEFIT AND WELFARE PLANS FOR ITS ASSIGNED WORKERS, IF LIMITED TO THE EMPLOYEES OF THE PROFESSIONAL EMPLOYER AND CLIENTS SHALL NOT BE DEEMED TO BE MULTIPLE EMPLOYER WELFARE ARRANGEMENTS WITHIN THE MEANING OF THE APPLICABLE LAW; AND AMENDING SECTION 44-2406, IDAHO CODE, TO PROVIDE THAT NOTHING IN THE LAW REGARDING PROFESSIONAL EMPLOYERS SHALL DIMINISH THE DEFENSE AND LIMITATION AFFORDED A POLITICAL SUBDIVISION UNDER THE IDAHO TORT CLAIMS ACT WHEN, AS A CLIENT, IT ENTERS INTO A PROFESSIONAL EMPLOYER ARRANGEMENT.

HOUSE BILL NO. 169
BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE
AN ACT

RELATING TO RAPE; AMENDING SECTION 18-6101, IDAHO CODE, TO REVISE THE DEFINITION OF RAPE; AND AMENDING SECTIONS 18-6107, 19-401 AND 19-402, IDAHO CODE, TO PROVIDE CORRECT CODE CITATIONS.

HOUSE BILL NO. 170
BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE
AN ACT

RELATING TO ILLEGAL DRUG FORFEITURES; AMENDING SECTION 37-2807, IDAHO CODE, TO PROVIDE FOR CERTAIN PROCEEDS OF SEIZED PERSONAL PROPERTY TO BE REMITTED TO THE DISTRICT COURT FUND FOR USE IN DRUG COURTS; AMENDING SECTION 37-2808, IDAHO CODE, TO PROVIDE FOR CERTAIN PROCEEDS OF SEIZED REAL PROPERTY TO BE REMITTED TO THE DISTRICT COURT FUND FOR USE IN DRUG COURTS; AND AMENDING SECTION 31-3201E, IDAHO CODE, TO PROVIDE THAT A DRUG COURT FUND MAY RECEIVE AND EXPEND MONEYS FROM ASSET FORFEITURES IN ILLEGAL DRUG CASES.

HOUSE BILL NO. 171
BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE
AN ACT

RELATING TO MURDER; AMENDING SECTION 18-4004, IDAHO CODE, AS AMENDED BY SENATE BILL 1001, ENACTED BY THE FIRST REGULAR SESSION OF THE FIFTY-SEVENTH IDAHO LEGISLATURE, TO PROVIDE A CODE REFERENCE; AMENDING SECTION 19-2126, IDAHO CODE, AS AMENDED BY SENATE BILL 1001, ENACTED BY THE FIRST REGULAR SESSION OF THE FIFTY-SEVENTH IDAHO LEGISLATURE, TO PROVIDE A CODE REFERENCE; AMENDING SECTION 19-2515, IDAHO CODE, AS AMENDED BY SENATE BILL 1001, ENACTED BY THE FIRST REGULAR SESSION OF THE FIFTY-SEVENTH IDAHO LEGISLATURE, TO PROVIDE AN EXCEPTION TO DEATH PENALTY ELIGIBILITY; AND AMENDING CHAPTER 25, TITLE 19, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 19-2515A, IDAHO CODE, TO SET FORTH PROVISIONS APPLICABLE TO FIRST-DEGREE MURDER PROCEEDINGS IN CASES WHERE THE DEFENDANT IS MENTALLY RETARDED; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 172
BY REVENUE AND TAXATION COMMITTEE
AN ACT

RELATING TO PROPERTY EXEMPT FROM TAXATION; AMENDING SECTION 63-602G, IDAHO CODE, TO CLARIFY THAT CERTAIN ADJUSTMENTS TO THE MAXIMUM AMOUNT SUBJECT TO PROPERTY TAX EXEMPTION SHALL BE MADE, TO PROVIDE FOR CERTAIN ANNUAL ADJUSTMENTS TO THE MAXIMUM AMOUNT SUBJECT TO PROPERTY TAX EXEMPTION, TO PROVIDE FOR PUBLICATION AND DISSEMINATION OF

ADJUSTMENTS, TO PROVIDE THAT THE PUBLICATION OF ADJUSTMENTS SHALL BE EXEMPT FROM THE PROVISIONS OF THE ADMINISTRATIVE PROCEDURE ACT; AND PROVIDING AN EFFECTIVE DATE.

HOUSE BILL NO. 173
BY RESOURCES AND CONSERVATION COMMITTEE
AN ACT

RELATING TO REGULATION OF OUTFITTERS AND GUIDES; AMENDING SECTION 36-2113, IDAHO CODE, TO PROVIDE REGULATORY JURISDICTION OVER FORMER LICENSEES FOR VIOLATIONS WHICH OCCURRED DURING THE PERIOD OF LICENSURE; AND AMENDING SECTION 36-2117A, IDAHO CODE, TO AUTHORIZE ADMINISTRATIVE ACTION, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION.

HOUSE BILL NO. 174
BY RESOURCES AND CONSERVATION COMMITTEE
AN ACT

RELATING TO OPERATION OF VESSELS; AMENDING SECTION 67-7077, IDAHO CODE, TO REVISE WHAT CONSTITUTES UNLAWFUL OPERATION OF VESSELS ON THE WATERS OF THIS STATE.

HOUSE BILL NO. 175
BY BUSINESS COMMITTEE
AN ACT

RELATING TO LIFE INSURANCE TRADE PRACTICES; AMENDING CHAPTER 13, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-1336, IDAHO CODE, TO REQUIRE PAYMENT OF THE PROCEEDS OF BENEFITS UNDER A LIFE INSURANCE POLICY WITHIN A SPECIFIED TIME PERIOD, TO PROVIDE FOR THE PAYMENT OF INTEREST ON DEATH BENEFITS IF TIMELY PAYMENT IS NOT MADE, TO PROVIDE THE RATE OF INTEREST AND TO PROVIDE THAT THE REQUIREMENT OF THE PAYMENT OF INTEREST APPLIES ONLY TO LUMP SUM PAYMENTS.

HOUSE BILL NO. 176
BY BUSINESS COMMITTEE
AN ACT

RELATING TO THE MINIMUM ANNUITY NONFORFEITURE INTEREST RATE FOR INDIVIDUAL DEFERRED ANNUITIES; AMENDING SECTION 41-1927A, IDAHO CODE, TO PROVIDE FOR A REDUCED MINIMUM RATE OF INTEREST UNTIL JULY 1, 2005 AND TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 177
BY BUSINESS COMMITTEE
AN ACT

RELATING TO MANUFACTURED HOMES; AMENDING TITLE 55, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 30, TITLE 55, IDAHO CODE, TO PROVIDE POLICY, TO DEFINE TERMS, TO PROVIDE FOR APPROVAL OF SUBDIVISION OF MANUFACTURED

HOME PARK OR MOBILE HOME PARK AND TO PROVIDE FOR SALE OF SUBDIVISION LOTS IN A MANUFACTURED HOME PARK OR MOBILE HOME PARK TO TENANTS.

HOUSE BILL NO. 178
BY BUSINESS COMMITTEE
AN ACT

RELATING TO THE COUNTY OPTION KITCHEN AND TABLE WINE ACT; AMENDING SECTION 23-1328A, IDAHO CODE, TO PROHIBIT THE IMPOSITION OF CONDITIONS OR RESTRICTIONS ON DISTRIBUTORS THAT ARE NOT GENERALLY IMPOSED ON OTHER DISTRIBUTORS WITHIN THE STATE OF IDAHO, TO REQUIRE GOOD CAUSE FOR THE TERMINATION, CANCELLATION, NONRENEWAL OR SUBSTANTIAL CHANGE IN COMPETITIVE CIRCUMSTANCES IN THE RELATIONSHIP WITH A DISTRIBUTOR, TO DEFINE GOOD CAUSE, TO REQUIRE WRITTEN NOTICE, TO PROVIDE FOR THE OPPORTUNITY TO CORRECT DEFICIENCIES, TO PROVIDE CORRECT TERMINOLOGY AND TO PROVIDE THAT SUCCESSORS IN INTEREST TO VINTNERS, WINERIES, IMPORTERS OR DEALERS SHALL BE BOUND BY CERTAIN TERMS AND CONDITIONS.

HOUSE BILL NO. 179
BY BUSINESS COMMITTEE
AN ACT

RELATING TO COLLECTION AGENCIES; AMENDING SECTION 26-2239, IDAHO CODE, TO EXEMPT FROM LICENSING REQUIREMENTS PERSONS WHO ARE AFFILIATES OF THE CREDITOR.

HOUSE BILL NO. 180
BY BUSINESS COMMITTEE
AN ACT

RELATING TO INSURANCE CLAIMS; AMENDING CHAPTER 18, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-1839A, IDAHO CODE, TO PROVIDE AN ALLOWANCE OF ATTORNEY'S FEES IN DISPUTED UNINSURED AND UNDERINSURED MOTORIST CLAIMS.

HOUSE BILL NO. 181
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO THE DIVISION OF VETERANS SERVICES; AMENDING SECTION 65-107, IDAHO CODE, TO AUTHORIZE CHARGES RELATED TO INTERMENT, DISINTERMENT AND REINTERMENT IN THE STATE VETERANS CEMETERY TO BE PLACED IN THE VETERANS CEMETERY MAINTENANCE FUND; AND AMENDING SECTION 65-202, IDAHO CODE, TO ALLOW THE DIVISION TO ESTABLISH BY RULE FEES RELATED TO INTERMENT, DISINTERMENT OR REINTERMENT IN THE STATE VETERANS CEMETERY AND TO PROVIDE FOR REMITTANCE OF SUCH FEES.

HOUSE BILL NO. 182

BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO THE DISPOSITION OF UNCLAIMED VETERANS REMAINS; AMENDING CHAPTER 11, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-1144, IDAHO CODE, TO AUTHORIZE THE RELEASE OF THE UNCLAIMED CREMATED REMAINS OF VETERANS TO THE IDAHO DIVISION OF VETERANS SERVICES OR AN IDAHO CHAPTER OF A NATIONALLY CHARTERED VETERANS SERVICES ORGANIZATION, TO PROVIDE PROCEDURES AND TO PROVIDE FOR THE RELEASE OF LIABILITY UNDER CERTAIN CIRCUMSTANCES; AND AMENDING SECTION 65-202, IDAHO CODE, TO AUTHORIZE THE IDAHO DIVISION OF VETERANS SERVICES TO ACCEPT THE CREMATED REMAINS OF DECEASED PERSONS ELIGIBLE FOR INTERMENT AT THE STATE VETERANS CEMETERY, TO APPLY FOR UNITED STATES DEPARTMENT OF VETERANS AFFAIRS BENEFITS FOR DECEASED VETERANS AND TO INTER ELIGIBLE DECEASED PERSONS IN THE STATE VETERANS CEMETERY.

HOUSE BILL NO. 183
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO ADOPTION OF THE TELEPHONIC READING ACT; AMENDING TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 12, TITLE 56, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO STATE LEGISLATIVE FINDINGS, TO DEFINE TERMS, TO PROVIDE DUTIES OF THE STATE LIBRARY BOARD, TO CREATE THE TELEPHONIC READER SERVICE FUND AND TO ESTABLISH A USER SURCHARGE.

HOUSE BILL NO. 184
BY EDUCATION COMMITTEE
AN ACT

RELATING TO CONTRACTS FOR SCHOOL TRANSPORTATION; AMENDING SECTION 33-1510, IDAHO CODE, TO AUTHORIZE RENEWAL OF AN EXISTING CONTRACT UNDER CONDITIONS SPECIFIED; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 185
BY EDUCATION COMMITTEE
AN ACT

RELATING TO EMPLOYEE EVALUATIONS BY SCHOOL DISTRICTS; AMENDING SECTION 33-514, IDAHO CODE, TO REVISE CONDITIONS WHEN A SUPPORT PROGRAM IS REQUIRED AND TO PROVIDE A REVISED DATE WHEN AN EVALUATION MUST HAVE BEEN COMPLETED.

HOUSE BILL NO. 186
BY EDUCATION COMMITTEE
AN ACT

RELATING TO THE PUBLIC SCHOOL EDUCATIONAL SUPPORT PROGRAM; AMENDING CHAPTER 9, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION

33-907, IDAHO CODE, TO CREATE THE PUBLIC SCHOOL STABILIZATION FUND, TO PROVIDE MONEYS FOR THE FUND, TO PROVIDE FOR USES OF MONEYS IN THE FUND, AND TO PROVIDE FOR TRANSFER OF CERTAIN ACCUMULATED BALANCES; AMENDING SECTION 33-1009, IDAHO CODE, TO PROVIDE THAT THE JULY PAYMENT TO SCHOOL DISTRICTS SHALL TAKE INTO ACCOUNT THE ADJUSTMENT REQUIRED BY THE PROVISIONS OF SECTION 33-1018, IDAHO CODE, TO PROVIDE THAT MONEYS IN THE PUBLIC SCHOOL STABILIZATION FUND SHALL BE CONSIDERED IN CALCULATING ADJUSTMENTS WHEN THE TOTAL AMOUNT APPROPRIATED IS NOT TRANSFERRED AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1018, IDAHO CODE, TO PROVIDE FOR ADJUSTMENT OF THE DISTRIBUTION TO SCHOOL DISTRICTS FROM THE EDUCATIONAL SUPPORT PROGRAM BASED ON THE ACTUAL NUMBER OF TOTAL STATE SUPPORT UNITS.

HOUSE BILL NO. 187
BY EDUCATION COMMITTEE

AN ACT

RELATING TO PUBLIC SCHOOL DISTRICT EARLY RETIREMENT INCENTIVES; REPEALING SECTION 33-1004G, IDAHO CODE; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 188
BY EDUCATION COMMITTEE

AN ACT

RELATING TO THE BOND LEVY EQUALIZATION SUPPORT PROGRAM FOR SCHOOL FACILITIES; AMENDING SECTION 33-802A, IDAHO CODE, TO PROVIDE AN ADJUSTMENT TO ONE OF THE FACTORS USED BY THE BOARD OF TRUSTEES TO CALCULATE THE ANNUAL SCHOOL LEVY; AND AMENDING SECTION 33-906, IDAHO CODE, TO PROVIDE THAT NO SCHOOL DISTRICT WHICH PASSED A BOND LEVY PRIOR TO MARCH 1, 2002, SHALL BE ELIGIBLE TO PARTICIPATE IN THE BOND LEVY EQUALIZATION SUPPORT PROGRAM, TO PROVIDE A TIME LIMIT FOR DISPERSAL OF FUNDS BY THE DEPARTMENT TO SCHOOL DISTRICTS WHICH HAVE APPROVED QUALIFYING BONDS, TO PROVIDE AN ADDITIONAL PAYMENT IN THE NEXT FISCAL YEAR TO QUALIFYING DISTRICTS WHICH LOSE A PAYMENT IN THE CURRENT FISCAL YEAR DUE TO THE ELIGIBILITY DEADLINE AND TO REQUIRE ANNUAL REPORTING BY SCHOOL DISTRICTS ON THE STATUS OF QUALIFYING BONDS.

HOUSE BILL NO. 189
BY EDUCATION COMMITTEE

AN ACT

RELATING TO THE VALUE INDEX CALCULATION FOR SCHOOL DISTRICTS; AMENDING SECTION 33-906B, IDAHO CODE, TO REVISE HOW A SCHOOL DISTRICT'S VALUE INDEX IS CALCULATED; AND DECLARING AN

EMERGENCY.

HOUSE BILL NO. 190
BY EDUCATION COMMITTEE

AN ACT

RELATING TO TEACHERS; AMENDING CHAPTER 37, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-3723, IDAHO CODE, TO PROVIDE A PROGRAM FOR REPAYMENT BY THE BOARD OF EDUCATION OF CERTAIN STUDENT LOANS INCURRED BY CERTIFIED TEACHERS, TO PROVIDE ELIGIBILITY REQUIREMENTS, TO PROVIDE AMOUNTS, TO PROVIDE LIMITATIONS, TO PROVIDE ACCESS TO LOAN INFORMATION, TO PROVIDE FOR PAYMENTS, TO PROVIDE FOR CESSATION OF PAYMENTS AND TO AUTHORIZE RULEMAKING.

H 162, H 163, H 164, H 165, H 166, H 167, H 168, H 169, H 170, H 171, H 172, H 173, H 174, H 175, H 176, H 177, H 178, H 179, H 180, H 181, H 182, H 183, H 184, H 185, H 186, H 187, H 188, H 189, and H 190 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

S 1026, by Commerce and Human Resources Committee, was introduced, read the first time by title, and referred to the Commerce and Human Resources Committee.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

S 1009, by State Affairs Committee, was read the second time by title and filed for third reading.

H 118, by Trail, was read the second time by title and filed for third reading.

H 113, by State Affairs Committee, was read the second time by title and filed for third reading.

H 106 and H 108, by Agricultural Affairs Committee, were read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

H 132 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Acting Speaker recognized Mr. Deal to open debate.

The question being, "Shall **H 132** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bedke, Bell, Bieter, Black, Block, Boe, Bolz, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle,

Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Ringo, Robison, Rydalch, Sali, Sayler, Schaefer(Schaefer), Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Trail, Wills, Wood. Total -- 67.

NAYS -- None.

Absent and excused -- Bradford, Roberts, Mr. Speaker. Total -- 3.

Total -- 70.

Whereupon the Acting Speaker declared **H 132** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 134 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Acting Speaker recognized Mr. Black to open debate.

The question being, "Shall **H 134** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bauer, Bedke, Bell, Bieter, Black, Block, Boe, Bolz, Campbell, Cannon, Clark, Collins, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Henbest, Jaquet, Jones, Kellogg, Lake, Langford, Langhorst, Martinez, Meyer, Miller, Mitchell, Moyle, Naccarato, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sayler, Schaefer(Schaefer), Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Trail, Wills, Wood. Total -- 60.

NAYS -- Barrett, Crow, Harwood, Kulczyk, McGeachin, McKague, Nielsen, Sali. Total -- 8.

Absent and excused -- Bradford, Mr. Speaker. Total -- 2.

Total -- 70.

Whereupon the Acting Speaker declared **H 134** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 56 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Acting Speaker recognized Mr. Raybould to open debate.

The question being, "Shall **H 56** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bedke, Bell, Bieter, Black, Block, Boe, Bolz, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller,

Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer(Schaefer), Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Trail, Wills, Wood. Total -- 66.

NAYS -- McKague. Total -- 1.

Absent and excused -- Bradford, Jones, Mr. Speaker. Total -- 3.

Total -- 70.

Whereupon the Acting Speaker declared **H 56** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 65 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Acting Speaker recognized Mr. Sayler to open debate.

The question being, "Shall **H 65** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bedke, Bell, Bieter, Black, Block, Boe, Bolz, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Henbest, Jaquet, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer(Schaefer), Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Trail, Wills, Wood. Total -- 66.

NAYS -- Harwood. Total -- 1.

Absent and excused -- Bradford, Jones, Mr. Speaker. Total -- 3.

Total -- 70.

Whereupon the Acting Speaker declared **H 65** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 130 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Acting Speaker recognized Mr. Roberts to open debate.

The question being, "Shall **H 130** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bedke, Bell, Bieter, Black, Block, Boe, Bolz, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring,

Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer(Schaefer), Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Trail, Wills, Wood. Total -- 66.

NAYS -- Miller. Total -- 1.

Absent and excused -- Bradford, Jones, Mr. Speaker.

Total -- 3.

Total -- 70.

Whereupon the Acting Speaker declared **H 130** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 11 a.m., Friday, February 7, 2003. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Acting Speaker declared the House adjourned at 12:15 p.m.

LAWRENCE DENNEY, Acting Speaker

ATTEST:

PAMM JUKER, Chief Clerk